

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance Relating to
Requiring Reporting Theft or
Loss of Firearms, Adding a
New Chapter to Title 9 of the
Everett Municipal Code
(Public Peace, Morals &
Welfare)

<u> X </u>	Briefing
<u> </u>	Proposed Action
<u> </u>	Consent
<u> </u>	Action
<u> X </u>	First Reading
<u> </u>	Second Reading
<u> </u>	Third Reading
<u> </u>	Public Hearing
<u> </u>	Budget Advisory

COUNCIL BILL #

CB1806-21

Originating Department

Police

Contact Person

Dan Templeman

Phone Number

425-257-8460

FOR AGENDA OF

June 20, 2018

Initialed by:

Department Head

Administration

Council President

PR

Location

Preceding Action

Attachments

Proposed Ordinance

Department(s) Approval

Police, Administration,
Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

According to the FBI, between 2012 and 2015, an estimated 1.2 million firearms were stolen in the United States. In Everett, at least 140 firearms were stolen in theft or burglary incidents in 2017, and in addition, Police investigated 61 stolen firearm and unlawful possession of firearm cases in that same year. In 2017, Everett Police recovered 27 firearms that were never reported lost or stolen, and year-to-date in 2018, have recovered 9 more. The proposed ordinance would require that upon discovery of a lost or stolen firearm, that the owner report such theft or loss to the Police Department within 24 hours. It would also require that if sufficient information is provided, that the Everett Police enter the firearm into the local police records management system and the National Crime Information Center database. Violation of this ordinance would constitute a civil infraction punishable by a fine not to exceed \$250.00.

RECOMMENDATION (Exact action requested of Council):

Adopt an Ordinance relating to Requiring Theft or Loss of Firearms, Adding a New Chapter to Title 9 of the Everett Municipal Code (Public Peace, Morals & Welfare).



ORDINANCE No. _____

AN ORDINANCE Relating to Requiring Reporting Theft or Loss of Firearms, Adding a New Chapter to Title 9 of the Everett Municipal Code (Public Peace, Morals & Welfare).

Whereas, according to the Federal Bureau of Investigations, between 2012 and 2015, an estimated 1.2 million firearms were stolen in the United States; and

Whereas, according to the Federal Bureau of Investigations, a firearm is stolen in the United States every two minutes; and

Whereas, at least 140 firearms were stolen in theft and burglary incidents in the City of Everett in 2017 in 69 separate offense reports; and

Whereas, Everett Police investigated 61 stolen firearm and unlawful possession of firearm offenses in 2017; and

Whereas, Everett Police recovered 27 found guns that were never reported as lost or stolen in 2017; and

Whereas, unreported lost or stolen firearms contribute to the availability of crime guns and make it harder to return recovered firearms to their owners; and

Whereas, individual firearm owners are not required under State or Federal law to report when a firearm is lost or stolen; and

Whereas, the City of Everett has the power to provide for the punishment of all practices dangerous to public health or safety, and to make necessary for the preservation of public health, peace and good order and to provide for the punishment of all persons charged with violating any city ordinances; and

Whereas, the Everett City Council deems it appropriate for the City of Everett to require reporting of lost or stolen firearms as provided herein;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Reporting Theft or Loss of Firearm Required.

A. If a firearm is lost or stolen, the person who owned or was in possession of the firearm shall report the theft or loss to the Everett Police Department if the loss or theft occurred in Everett. The report shall be made within 24 hours after the theft or loss is first discovered, and shall include, to the extent known:

1. The firearm's make (manufacturer), country of manufacture, caliber, model, type, and serial number;
2. Any other descriptors (barrel length, color and finish, cartridge capacity); and
3. Any other distinguishing number or identification mark on the firearm; and
4. Information about the loss or theft, including the date lost or stolen, location of loss or theft, and the manner and circumstances of the loss or theft.

B. On receipt of a report of a stolen or lost firearm under this section, the Everett Police Department shall enter the firearm into the local police records management system, including all descriptive information about the firearm to the extent known. The Everett Police Department shall also enter the firearm into the National Crime Information Center (NCIC) database whenever the following information is known:

1. The firearm's make (manufacturer), caliber, type, and serial number.

If there is sufficient information for an NCIC entry, the entry will also include the following information, to the extent known:

1. The firearm model; and
2. Any other descriptors (barrel length, color and finish, cartridge capacity); and
3. Any other distinguishing number, identification mark, or inscription on the firearm.

C. Any violation of or failure to comply with the provisions of Section A above shall constitute a class 1 civil infraction pursuant to Chapter 7.80 RCW and shall be punishable by a fine not to exceed \$250.00, not including statutory assessments.

Section 2. Codification

Section 1 of this Ordinance shall be codified in Title 9 of the Everett Municipal Code as Chapter 9.90 and entitled Reporting Theft or Loss of Firearm Required.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application

to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Cassie Franklin, Mayor

ATTEST:

City Clerk

Passed:

Valid:

Published:

Effective Date: